

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Office Action, the Examiner rejects claim 4 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner argues that the phrases “the information about the use history” lacks antecedent basis.

In response, claim 4 has been amended to recite “wherein the information about the use time and the number of use times is stored in a scope storing unit comprised by the endoscope.”

Accordingly, it is respectfully requested that the rejection of claim 4 under 35 U.S.C. § 112, second paragraph, be withdrawn.

In the Office Action, the Examiner again rejects claims 1, 2, 4-8 and 10-13 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,830,121 to Enomoto et al., (hereinafter “Enomoto”) in view of U.S. Patent No. 6,307,332 to Noguchi et al., (hereinafter “Noguchi”).

In response, independent claims 1 and 10-13 have been amended to clarify their distinguishing features. Specifically, claim 1 has been amended to recite:

“wherein the estimating unit determines a secular change amount of the endoscope as a result of the estimation, by calculating a first secular change amount of the endoscope based on only the use time and a second secular change amount of the endoscope based on only the number of use times.”

Independent claims 10-13 have been similarly amended. The amendment to claims 1 and 10-13 is fully supported in the original disclosure, such as at the equation on

page 20, line 5 of the specification. Thus, no new matter has been introduced into the disclosure by way of the present amendment to independent claims 1 and 10-13.

Applicants respectfully submit that neither Enomoto nor Noguchi teach or suggest the features now expressly recited in independent claims 1 and 10-13.

Turning now to Enomoto, the Examiner argues that the same describes measuring the total usage operating time of the endoscope 10 and actuating an alarm buzzer when the period of the total usage operation time is equal to or longer than the period of the standard time that is set in accordance with the type of the endoscope 10 (column 5 lines 15 to 37), and counting the number of times the endoscope 10 (connector 16) has been connected to the video processor and the light source device 20 and actuating an alarm buzzer when the number of connections is equal to or greater than the standard number of times that is set in accordance with the type of the endoscope 10 (column 9 lines 3 to 40), and also describes these functions being able to be combined (column 12 lines 4 to 8).

However, according to Enomoto, when both the total usage operating time and the number of connections are less than a predetermined threshold value, if both the secular change based on only the total usage operating time and the secular change based on only the number of connections are totally taken into consideration, an alarm buzzer cannot be actuated even when an alarm should be generated. The estimating unit (means) (step) of the claimed invention solves such disadvantages of the prior art (including Enomoto) and can appropriately estimate even such secular changes.

Noguchi does not cure the deficiencies of Enomoto.

With regard to the rejection of claims 1, 2, 4-8 and 10-13 under 35 U.S.C. § 103(a), independent claims 1 and 10-13 are not rendered obvious by the cited references

because neither the Enomoto patent nor the Noguchi patent, whether taken alone or in combination, teach or suggest a system or method having the features discussed above and recited in independent claims 1 and 10-13. Accordingly, claims 1 and 10-13 patentably distinguish over the prior art and are allowable. Claims 2, 4-8, being dependent upon claim 1, are thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 1, 2, 4-8 and 10-13 under 35 U.S.C. § 103(a).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,

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